

REMARKS

Claims 1-20 are pending. Claims 1-20 stand rejected under 35 USC § 103. Applicant thanks Examiner and his supervisor for the interview. Applicant respectfully traverses the rejections with respect to the claims in light of the amendments with the following remarks.

Applicant requests interview

Applicant respectfully requests an interview if it would expedite disposition of the application. The undersigned attorney would welcome and encourage a telephone conference with Examiner at (512) 243-5936.

Claim rejections under 35 USC § 103

Claims 1-6, 9-15, and 17-20 stand rejected under 35 USC § 103 as being unpatentable over McGann et al. U.S. Pat. 6,920,476 (hereinafter “McGann”) in view of Lambert et al. U.S. Pat. App. 2003/0033349 (hereinafter “Lambert”). Applicant respectfully traverses the rejections with respect to the claims with the following remarks.

To establish a prima facie case of obviousness,¹ the modification or combination must teach or suggest all of Applicants’ claim limitations.²

Independent Claims

McGann in view of Lambert does not describe, expressly or inherently, all of the limitations of claims 1, 9, and 17. For instance, with regards to claims 1 and 17, McGann in view of Lambert fails to teach or suggest:

...storing the message in an inbound queue after receiving the message;
browsing the inbound queue to identify the message after storing the message in the inbound queue;
copying the message to a working queue, the working queue being persisted by a queue manager, to persist the message, the message being

¹ Manual of Patent Examining Procedure §2142.

² *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

stored, in it's entirety, in both the inbound queue and the working queue concurrently;
removing the message from the inbound queue after copying the message to the working queue;
processing the message to generate a reply prior to removing the message from the working queue; and
storing the reply in an outbound queue after generating the reply.

With regards to claim 9, McGann in view of Lambert fails to describe:

a dispatcher to browse the inbound queue to identify the message after the message is stored in the inbound queue; copy the message to the working queue to persist the message, the message to be stored, in it's entirety, in both the inbound queue and the working queue concurrently; remove the message from the inbound queue after the message is copied to the working queue and after the message is persisted from the working queue; and assign a thread to process the message to generate the reply in response to the message prior to removing the message from the working queue and to store the reply in the outbound queue after generating the reply.

McGann receives a message at a messaging collector and passes the message to a local queue manager (See FIG. 2, elements 26, 28, 30, and 32). "Messaging collector 28 immediately passes the message off to local queue manager 30. Because local queue manager 30 is local to sending process 20, this happens very quickly and results in minimal latencies. Once messaging collector 28 has passed the message off to local queue manager 30, sending process 20 has completed sending message 26, and may return to other functions."³ "The messaging collector method 28 preferably returns a status code to sending process 20 indicating success or failure for accepting the message. This is based upon a similar success or failure status received from the local queue manager."⁴ "Local queue manager 30 accepts messages as quickly as possible from messaging collector 28, and prepares them for continued transmission."⁵ "Also, preferably, [the message] is persisted to a local file system 32 [by the local queue manager 30], where it is stored until the message is delivered."⁶

³ McGann, col. 2, lines 41-47.

⁴ McGann, col. 2, lines 53-57.

⁵ McGann, col. 2, lines 60-62.

⁶ McGann, col. 3, lines 2-3.

As indicated in the Office action, Lambert teaches that “[a]ll queue managers support synchronous messaging operations, such as the ability to access queues to get, put and browse messages.”⁷ Lambert also discusses generating and sending a reply.⁸

The Office action fails to present a prima facie case of obviousness because the action does not teach or suggest many of the limitations of claims 1, 9, and 17, and thus has to assume the occurrence of several actions described in the independent claims 1, 9, and 17. To establish a prima facie case of obviousness,⁹ the modification or combination must teach or suggest all of Applicants’ claim limitations.¹⁰ However, the combination of McGann and Lambert does not teach or suggest “storing the message in an inbound queue after receiving the message” The Office action cites McGann’s messaging collector 28. “Messaging collector 28 serves as an interface”¹¹ that “**immediately** passes the message off to local queue manager 30....”¹² The Office action does not address the lack of an inbound queue in McGann but the Office action does assume functionality associated with the inbound queue and assumes that the messaging collector 28 also comprises a second “working queue” for other actions in the process described in the independent claims 1, 9, and 17. Applicant argues that an interface that “immediately passes the message off to local queue manager 30” does not teach or suggest an inbound queue and does not teach or suggest the use of two queues as indicated by the Office action to support these rejections.

Furthermore, the Office action argues that “[i]t is well known in the art that a message cannot be stored in a queue before it is received, thus it is understood that storing the message in an inbound queue after receiving the message is inherent.” First, Applicant argues that the existence of the inbound queue in McGann’s messaging collector is not inherent in light of the description of the messaging collector. Second, storage in an inbound queue after receiving the message contradicts the description of an

⁷ Lambert, par. 90.

⁸ Lambert claims 1, 16, and 33; See also pg. 7, par 73; and pg 8, par. 96

⁹ Manual of Patent Examining Procedure §2142.

¹⁰ *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

¹¹ McGann col. 2, line 31.

¹² McGann, col. 2, lines 41-42.

“interface” that “**immediately** passes the message off to local queue manager 30....”¹³ In other words, McGann does not describe passing the message to the queue manager after taking the time to store the message in an inbound queue. McGann clearly states that the message immediately passes to local queue manager 30. Thus, Applicant argues that the combination of McGann and Lambert fails to teach or suggest “storing the message in an inbound queue after receiving the message....”

The combination of McGann and Lambert fails to teach or suggest “browsing the inbound queue to identify the message after storing the message in the inbound queue....” The combination is improper because the combination requires a construction that contradicts a principle of operation explicitly described in McGann. The Office action builds upon the assumption that messaging collector 28 comprises an inbound queue. Because Lambert teaches browsing a queue, the Office action argues that the combination of McGann and Lambert teaches a message collector 28 that receives the message, stores the message in an inbound queue after receipt, browses that inbound queue to identify the message prior to copying the message into a working queue of messaging collector 28, and then transmits the message to local queue manager 30. Applicant argues that this construction of McGann contradicts the description in McGann of the messaging collector 28 as an “interface” that “**immediately** passes the message off to local queue manager 30....”¹⁴

The combination of McGann and Lambert fails to teach or suggest “copying the message to a working queue ... to persist the message... stored, in it’s entirety, in both the inbound queue and the working queue concurrently....” The Office action compounds multiple assumptions upon one another in the rejection of this element. First, the Office action assumes the existence of the inbound queue and working queue in messaging collector 28. Applicant notes that McGann does not describe a queue at all in the discussions of the messaging collector 28. Then, because McGann characterizes “**immediately** pass[ing] the message off to local queue manager 30...”¹⁵ with “this happens very quickly”, the Office action concludes that McGann is teaching or

¹³ McGann, col. 2, lines 41-42.

¹⁴ McGann, col. 2, lines 41-42.

¹⁵ McGann, col. 2, lines 41-42.

suggesting that the message is in both an inbound queue and a working queue concurrently. Applicant argues that the speed with which actions occur offers no support for the conclusion that the message is in two queues concurrently. Thus, Applicant argues that the Office action fails to provide prima facie evidence that McGann or Lambert teaches or suggests that the message is both an inbound queue and a working queue concurrently, as is described in claims 1, 9, and 17.

The combination of McGann and Lambert does not teach or suggest “removing the message from the inbound queue after copying the message to the working queue”. To support of the rejection, the Office action assumes the existence of the inbound queue and the working queue and assumes that because actions occur quickly, the message must be in both the inbound queue and the working queue concurrently. Based upon these assumptions, the Office action concludes that it is inherent that the message must be removed from the inbound queue after copying since the message was in the inbound queue concurrently with being in the working queue. Applicant argues that the Office action fails to provide prima facie evidence that the message is removed from the inbound queue after copying the message to the working queue, as is described in claims 1, 9, and 17.

And, the combination of McGann and Lambert does not teach or suggest “processing the message to generate a reply prior to removing the message from the working queue....” McGann describes queuing the message in a static internal class vector when the message is received by a thread of the local queue manager 30. McGann then states that “preferably, it is persisted to a local file system 32, where it is stored until the message is delivered. Until removed by the receiver, the message remains on the local file system so that it can be retrieved and resent in case of a hardware or software failure....” In essence, McGann states that the message remains in the local file system, McGann does not state that the message remains queued in the internal static vector until a reply is generated. Assuming, in arguendo, that the “local queue”¹⁶ utilized by the local queue manager 30 is the “working queue” of claim 1, McGann states that “[o]nce the message writer 36 has delivered the message, it removes the message [from] the local

¹⁶ McGann col. 3, line 44.

queue, where it had been placed by the local queue manager 30....”¹⁷ In other words, McGann removes the message once the message is delivered. McGann does not teach or suggest waiting until a reply is generated prior to removing the message from the local queue.

Lambert discusses generating and sending a reply¹⁸ as well as receiving a reply.¹⁹ However, Lambert does not teach or suggest “processing the message to generate a reply prior to removing the message from the working queue....” Applicant argues that there is no basis in McGann or Lambert for the rejection so the Office action fails to provide a prima facie evidence of processing the message to generate a reply prior to removing the message from the working queue, as is described in claims 1, 9, and 17.

Thus, the combination of McGann and Lambert fails to “teach or suggest all of Applicants’ claim limitations”²⁰ so Applicant respectfully requests that the rejections be withdrawn and the claims be allowed.

Dependent Claims

With respect to claims 2, 10, and 18, the combination of McGann and Lambert does not teach or suggest “removing the message from the working queue after storing the reply in an outbound queue.” The Office action cites McGann at col. 3, line 43, which discusses the message but not a reply. While Lambert does discuss generation of a reply, Lambert does not teach or suggest this relationship between removing the message from the working queue and storing the reply in the outbound queue. Thus, Applicant argues that the Office action fails to provide prima facie evidence that the message is removed from the working queue after storing the reply in the outbound queue, as is described in claims 2, 10, and 18

Furthermore, the dependents of claims 1, 9, and 17 incorporate the limitations of claims 1, 9, and 17. Thus, the combination of McGann and Lambert does not teach or

¹⁷ McGann col. 3, lines 43-45.

¹⁸ Lambert pg. 3, pars. 18 and 22; pg. 7, par. 73, pg. 8, par. 96; and claims 1, 5, 16, and 33.

¹⁹ Lambert pg. 4, pars. 25, and 27-29; and claims 17, 25-26, and 28.

²⁰ *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

suggest all the limitations of dependent claims of claims 1, 9, and 17, and Applicant respectfully argues that the dependent claims should be allowed.

CONCLUSION

Applicant respectfully traverses the rejections in light of the cited references under 35 USC § 103. Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the Office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Thus, Applicant requests that the rejections be withdrawn, pending claims be allowed, and application advance toward issuance.

A petition and payment for an extension of time is attached. No other fees are believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 09-0447 for any such required fee.

Respectfully submitted,

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/Jeffrey S Schubert/

Date

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